

**FINAL REPORT**

**LEGISLATIVE COUNCIL**

**GUARDIANSHIP AND CONSERVATORSHIP  
INTERIM COMMITTEE  
2004**

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# **Guardianship and Conservatorship Interim Committee HCR 50 (2004)**

## **Members**

Senator Bart Davis, Co-chair  
Senator Patti Anne Lodge  
Senator Dick Compton  
Senator Bert Marley

Representative Debbie Field, Co-chair  
Representative Leon Smith  
Representative Sharon Block  
Representative Allen Andersen

Staff: Caralee Lambert and Toni Hobbs

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***Charge***

The Guardianship and Conservatorship Interim Committee was a one-year committee formed in 2004 pursuant to the authority of HCR 50. The resolution authorized the committee to undertake and complete a study of the guardianship and conservatorship system in Idaho, taking into account recent efforts undertaken by the federal government and other states. The resolution required that the committee report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Fifty-eighth Idaho Legislature, to the Office of the Governor, and to the Idaho Supreme Court.

The members of the committee were: Senator Bart Davis (Co-chair), Representative Debbie Field (Co-chair), Senator Patti Anne Lodge, Senator Dick Compton, Senator Bert Marley, Representative Leon Smith, Representative Sharon Block, and Representative Allen Andersen.

***Meetings***

The committee held a total of four meetings from the date of its formation to its expiration in December 2004. All of the meetings were held at the Idaho State Capitol in Boise. Following is a list of the meeting dates:

July 13, 2004  
August 10, 2004  
October 19, 2004  
November 19, 2004

***Scope of Study***

The committee reviewed the current guardianship and conservatorship process and examined proposals designed to improve the system and the delivery of services to wards in Idaho.

### *Speakers*

The committee took testimony from a wide range of individuals and groups. Following is a list of people, groups or agencies that testified during one or more of the four interim committee meetings:

Bob Aldridge  
Judge Lowell Castleton  
Dede Shelton, Ada County Guardianship Monitoring Program  
Glady Schroeder, Office of Senator Larry Craig  
Sarah Scott and Lois Bauer, Idaho Commission on Aging  
Georgia Mackley, AARP and Grandparents as Parents  
Delta Holloway, Western Health Care  
Linda Dripps, CCOA-Kincare Grandparents  
Judge Christopher Bieter  
Steve Scanlin  
Penny Fletcher, AARP Volunteer  
Denise Giles and Mary Jo Butler, Comprehensive Advocacy, Inc. (Co-Ad)  
Michael Henderson and Corrie Keller, Idaho Supreme Court  
Sally Balch Hurme, National Guardianship Foundation  
Gloria Keathley, Adult Protection Services  
Dennis Voorhees, Twin Falls County Board of Community Guardians  
Cameron Gilliland, Idaho Department of Health and Welfare

## ***Recommendations***

The Guardianship and Conservatorship Interim Committee voted **to support** the following legislation for the 2005 session:

1. Clarify that a guardian ad litem is assigned to a case until released by a judge due to the termination of the guardianship or the appointment of another guardian ad litem.
2. Require the submission to the court of the fees to be charged for review and approval prior to payment by the ward's estate.
3. Broaden guardian information requirements and give the courts authority to require more information, part of which may be sealed.
4. Set forth a more thorough listing of annual report submission requirements.
5. Clarify the protections, such as visitation rights, accorded to wards.
6. Require that alternatives to guardianship first be examined.

The committee voted **to support**, by resolution, the establishment of a guardianship pilot project to include up to three counties in Idaho and to include the following elements:

1. Adoption of standards of practice for guardians.
2. Requirement that guardians be registered.
3. Consideration of an office of the public guardian in the pilot project counties.
4. Review of the strengths of Idaho law regarding the treatment and care of developmentally disabled persons and the Idaho Probate Code.
5. If federal or grant funding is available, provide funding for adult protection to seek guardians for cases where volunteers cannot be enlisted.

The committee voted **against** the following proposals:

1. Additional state funding for Adult Protection Services to seek guardians for certain cases when volunteers cannot be enlisted.
6. Impose a statutory duty to report upon parties, such as bankers, when abuse by guardians is suspected.
7. Require that discretion be shared between the police and Adult Protection Services in determining whether exigent circumstances exist.
8. Require that guardians be certified, registered or licensed.
9. Requires counties to pay for guardianship services for indigent wards.